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December 19, 2011

VIA ECF

Jack Dennehy

Assistant United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. DiMattina, 11-Cr.-705 (JBW)

Dear Mr. Dennehy:

As you are aware, the defense intends to call Vincent Romano, Esq., to testify as to the messages he left you on the night of Mr. DiMattina's arrest. Based on the government's assertion that the contents of those messages are not discoverable at this time, we propose that you stipulate that he informed you that he represented Mr. DiMattina in the criminal matter.

If you decline to stipulate, please be advised that the defense respectfully reserves the right to call you as a witness as to the contents of the messages. You may, therefore, find it appropriate to have co-counsel present at the hearings.

Sincerely,

/s/
John Meringolo
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Cc: Honorable Jack B. Weinstein (via ECF and hand delivery)
Clara Kalhous, Esq. (via ECF)